

EXHIBIT G

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K. [REDACTED] Respondent: County of Alameda	
NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: K. [REDACTED], BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
 The records are described in the subpoena directed to

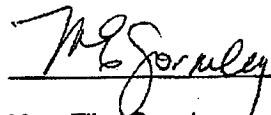
Pacific Forensic Psychology Associates Inc.
 870 Market Street #1277
 San Francisco, CA 94102-2918

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Elyn Gormley
 Assistant County Counsel
 Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.)	
Plaintiff)	
v.	)	Civil Action No. CV10-02507 LHK
Baldovinos, et al.)	
Defendant	)	(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Pacific Forensic Psychology Associates, Inc., 870 Market Street #1277, San Francisco, CA 94102-2918

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda K. aka Belinda [REDACTED] SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	Date and Time: 02/02/2011 9:00 am
--	--

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Elyn Gormley; Mary.elyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.
 2 United States District Court – Northern District of California (San Jose Division)
 Case No. C 10-2507 LHK

3 PROOF OF SERVICE

4 I am a citizen of the United States, over the age of 18 years and not a party to
 the within entitled action. I am employed at the Office of the County Counsel, County of
 5 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 NOTICE TO CONSUMER; and

8 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

9
 10 in the above-mentioned matter on the parties to this action by placing a true copy
 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 Matthew Vafidis
 13 HOLLAND & KNIGHT
 50 California Street
 14 Suite 2800
 San Francisco, CA 94111
 15 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K.



18 BY CERTIFIED MAIL: I am readily familiar with the Office of the County
 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 collection and mailing, it is deposited in the ordinary course of business with the
 20 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

21
 22 I declare under penalty of perjury that the foregoing is true and correct and that
 this declaration was executed at Oakland, California on January 19, 2011.

23
 24
 25
 26
 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K [REDACTED] Respondent: County of Alameda	
NOTICE TO CONSUMER AND OBJECTION (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: [REDACTED], J [REDACTED], care of BELINDA K [REDACTED]

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
 The records are described in the subpoena directed to

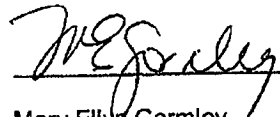
Dr. Judy Moore
 Families First, Inc.
 2100 Fifth Street
 Davis, CA 95616

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, you may serve the County of Alameda with a written objection. You must serve the objection within two weeks of receiving this notice. Alternatively, you may move the Court to modify or quash the Subpoena.

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Elyn Gormley
 Assistant County Counsel
 Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.)	
Plaintiff)	
v.	)	Civil Action No. CV10-02507 LHK
Baldovinos, et al.)	
Defendant	)	(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Dr. Judy Moore, Families First, Inc., 2100 Fifth Street, Davis, CA 95616

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda K. [REDACTED], aka Belinda [REDACTED], SSN [REDACTED] DOB [REDACTED] and J. [REDACTED] aka [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	Date and Time: 02/02/2011 9:00 am
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

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(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

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(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court -- Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMDER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION**

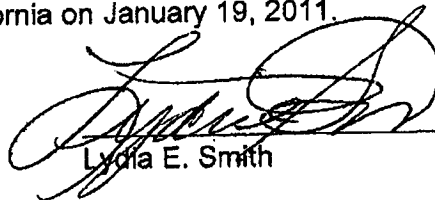
10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K

17 ☒ **BY CERTIFIED MAIL:** I am readily familiar with the Office of the County
 18 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 20 collection and mailing, it is deposited in the ordinary course of business with the
 United States Postal Service in the City of Oakland, California, in a sealed
 21 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 25 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K. [REDACTED] Respondent: County of Alameda	
NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: K. [REDACTED], BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

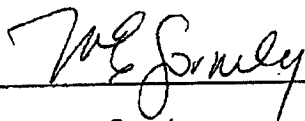
A Better Way, Inc.
3200 Adeline Street
Berkeley, CA 94703-2407.

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Elyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.)	
<i>Plaintiff</i>)	
v.	)	Civil Action No. CV10-02507 LHK
Baldovinos, et al.)	
<i>Defendant</i>	)	(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: A Better Way, Inc., 3200 Adeline Street, Berkeley, CA 94703-2407

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda K. [REDACTED] aka Belinda [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	Date and Time: 02/02/2011 9:00 am
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature
The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda

, who issues or requests this subpoena, are:

Mary Elyn Gormley; Mary.elyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court – Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

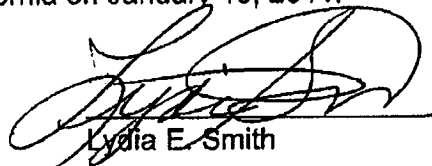
10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K.

17 ☒ **BY CERTIFIED MAIL:** I am readily familiar with the Office of the County
 18 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 20 collection and mailing, it is deposited in the ordinary course of business with the
 21 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K Respondent: County of Alameda	
NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: K, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
 The records are described in the subpoena directed to

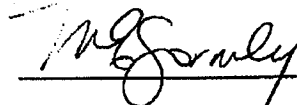
Dr. Adrienne Candell
 Kaiser Permanente Psychiatry
 3553 Whipple Rd Bldg B
 Union City, CA 94587

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Ellyn Gormley
 Assistant County Counsel
 Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
Northern District of California

J.H., et al.)	
Plaintiff)	
v.	)	Civil Action No. CV10-02507 LHK
Baldovinos, et al.)	
Defendant	)	(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Dr. Adrienne Candell, Kaiser Permanente Psychiatry, 3553 Whipple Rd Bldg B, Union City, CA 94587

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda Kirk aka Belinda Schnetzer, SSN [REDACTED], DOB [REDACTED] and [REDACTED] aka [REDACTED] SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	Date and Time: 02/02/2011 9:00 am
--	--------------------------------------

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(I) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(II) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(I) fails to allow a reasonable time to comply;

(II) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(III) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(IV) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(I) disclosing a trade secret or other confidential research, development, or commercial information;

(II) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(III) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(I) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(II) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(I) expressly make the claim; and

(II) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.
 2 United States District Court – Northern District of California (San Jose Division)
 Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

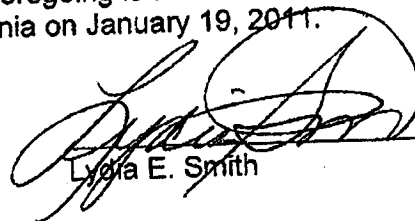
12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K.



18 BY CERTIFIED MAIL: I am readily familiar with the Office of the County
 19 Counsel, Alameda County's practice for collecting and processing
 20 correspondence for mailing. On the same day that correspondence is placed for
 collection and mailing, it is deposited in the ordinary course of business with the
 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

21
 22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K [REDACTED] Respondent: County of Alameda	
NOTICE TO CONSUMER AND OBJECTION (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: [REDACTED] J [REDACTED], care of BELINDA K [REDACTED]

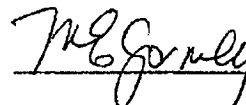
1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

Kari Bailey
Seneca Center Administrative Offices
2275 Arlington Drive
San Leandro, CA 94578

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, you may serve the County of Alameda with a written objection. You must serve the objection within two weeks of receiving this notice. Alternatively, you may move the Court to modify or quash the Subpoena.
3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Ellyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.

Plaintiff

v.

Baldovinos, et al.

Defendant

Civil Action No. CV10-02507 LHK

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Kari Bailey, Seneca Center Administrative Offices, 2275 Arlington Drive, San Leandro, CA 94578

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda K. aka Belinda [REDACTED], SSN [REDACTED], DOB [REDACTED] and J. [REDACTED] aka [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County
1221 Oak Street, Suite 450
Oakland, CA 94612

Date and Time:

02/02/2011 9:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk_____
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____ County of Alameda, who issues or requests this subpoena, are:

Mary Eilyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

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(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court – Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

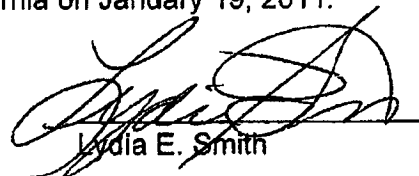
10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 15 50 California Street
 Suite 2800
 16 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K. [REDACTED]

17 ☒ BY CERTIFIED MAIL: I am readily familiar with the Office of the County
 18 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 20 collection and mailing, it is deposited in the ordinary course of business with the
 21 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 25 Lydia E. Smith
 26
 27
 28

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number. CV10-02507 LHK
Petitioner: Belinda Kirk Respondent: County of Alameda	
NOTICE TO CONSUMER AND OBJECTION (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: [REDACTED], JACK, care of BELINDA K [REDACTED]

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

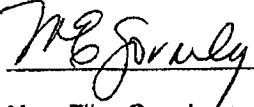
Kaiser Permanente
1814 Franklin St., 5th Floor
Oakland, CA 94612.

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, you may serve the County of Alameda with a written objection. You must serve the objection within two weeks of receiving this Notice. Alternatively, you may move the Court to modify or quash the Subpoena.

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Elyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.

Plaintiff

v.

Baldovinos, et al.

Defendant

Civil Action No. CV10-02507 LHK

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Kaiser Permanente, 1814 Franklin St., 5th Floor, Oakland, CA 94612

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for J. [REDACTED] aka [REDACTED] SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County
1221 Oak Street, Suite 450
Oakland, CA 94612

Date and Time:

02/02/2011 9:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk_____
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Elyn Gormley; Mary.elyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court – Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

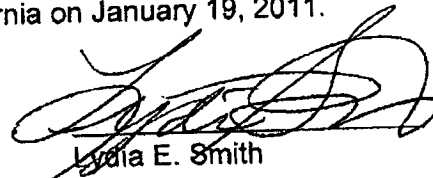
12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina Kirk



18 **BY CERTIFIED MAIL:** I am readily familiar with the Office of the County
 19 Counsel, Alameda County's practice for collecting and processing
 20 correspondence for mailing. On the same day that correspondence is placed for
 collection and mailing, it is deposited in the ordinary course of business with the
 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

21
 22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K Respondent: County of Alameda	
<p style="text-align: center;">NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))</p>	

NOTICE TO CONSUMER

TO: K, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

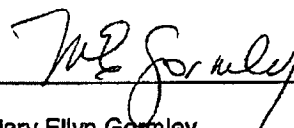
Kaiser Permanente
1814 Franklin St., 5th Floor
Oakland, CA 94612

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Ellyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.

Plaintiff

v.

Baldovinos, et al.

Defendant

Civil Action No. CV10-02507 LHK

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Kaiser Permanente, 1814 Franklin St., 5th Floor, Oakland, CA 94612

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda K. aka Belinda [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County
1221 Oak Street, Suite 450
Oakland, CA 94612

Date and Time:

02/02/2011 9:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County, 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

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(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 United States District Court – Northern District of California (San Jose Division)
 Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

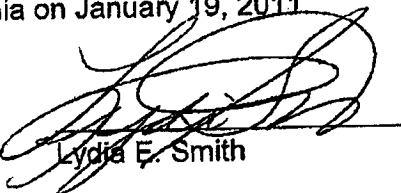
12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K. [REDACTED]



18 **BY CERTIFIED MAIL:** I am readily familiar with the Office of the County
 19 Counsel, Alameda County's practice for collecting and processing
 20 correspondence for mailing. On the same day that correspondence is placed for
 collection and mailing, it is deposited in the ordinary course of business with the
 United States Postal Service in the City of Oakland, California, in a sealed
 21 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011

24 
 25 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K Respondent: County of Alameda	
NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: K, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

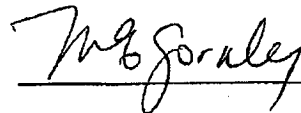
Dr. Aliyeh Kohbod
1904 Franklin Street #509
Oakland, CA 94612.

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Elyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.

Plaintiff

v.

Baldovinos, et al.

Defendant

Civil Action No. CV10-02507 LHK

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Dr. Aliyeh Kohbod, 1904 Franklin Street #509, Oakland, CA 94612

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda K. aka Belinda [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County
1221 Oak Street, Suite 450
Oakland, CA 94612

Date and Time:

02/02/2011 9:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda

, who issues or requests this subpoena, are:

Mary Elyn Gormley; Mary.elyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.
 2 United States District Court – Northern District of California (San Jose Division)
 Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 15 50 California Street
 Suite 2800
 16 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K.



18 BY CERTIFIED MAIL: I am readily familiar with the Office of the County
 19 Counsel, Alameda County's practice for collecting and processing
 20 correspondence for mailing. On the same day that correspondence is placed for
 collection and mailing, it is deposited in the ordinary course of business with the
 21 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K [REDACTED] Respondent: County of Alameda	
NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: K [REDACTED], BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
 The records are described in the subpoena directed to

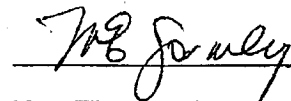
Dr. Judy Moore
 Families First, Inc.
 2100 Fifth Street
 Davis, CA 95616

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Elyn Gormley
 Assistant County Counsel
 Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.

Plaintiff

v.

Baidovinos, et al.

Defendant

Civil Action No. CV10-02507 LHK

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Dr. Judy Moore, Families First, Inc., 2100 Fifth Street, Davis, CA 95616

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda [REDACTED] aka Belinda [REDACTED], SSN [REDACTED], DOB [REDACTED] and J. [REDACTED] aka [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County
1221 Oak Street, Suite 450
Oakland, CA 94612

Date and Time:

02/02/2011 9:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Elyn Gormley; Mary.elyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

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(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court – Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

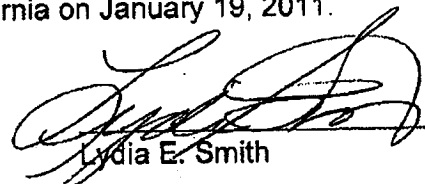
10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K.

17 ☒ **BY CERTIFIED MAIL:** I am readily familiar with the Office of the County
 18 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 20 collection and mailing, it is deposited in the ordinary course of business with the
 21 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 25 Lydia E. Smith
 26
 27
 28

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K. [REDACTED] Respondent: County of Alameda	
NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: K. [REDACTED], BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
 The records are described in the subpoena directed to

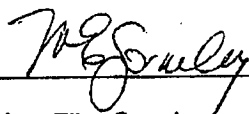
Kari Bailey
 Seneca Center Administrative Offices
 2275 Arlington Drive
 San Leandro, CA 94578

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



 Mary Elyn Gormley
 Assistant County Counsel
 Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.

Plaintiff

v.

Baldovinos, et al.

Defendant

Civil Action No. CV10-02507 LHK

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Kari Bailey, Seneca Center Administrative Offices, 2275 Arlington Drive, San Leandro, CA 94578

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda Kirk aka Belinda Schnetzer, SSN [REDACTED], DOB [REDACTED] and J. [REDACTED] aka [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County
1221 Oak Street, Suite 450
Oakland, CA 94612

Date and Time:

02/02/2011 9:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

M. E. Gormley

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____ County of Alameda

_____, who issues or requests this subpoena, are:

Mary Eilyn Gormley; Mary.elynn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court – Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

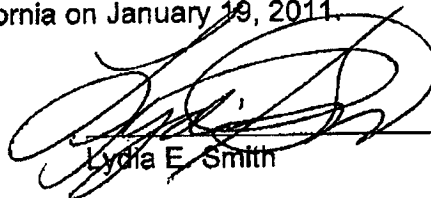
10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K.

17 ☒ BY CERTIFIED MAIL: I am readily familiar with the Office of the County
 18 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 20 collection and mailing, it is deposited in the ordinary course of business with the
 United States Postal Service in the City of Oakland, California, in a sealed
 21 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 25 Lydia E. Smith
 26
 27
 28

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda K. [REDACTED] Respondent: County of Alameda	
NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: K. [REDACTED], BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
 The records are described in the subpoena directed to

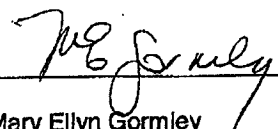
Carmel Ross, MFT
 20200 Redwood Road Suite 6
 Castro Valley, CA 94546

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



 Mary Ellyn Gormley
 Assistant County Counsel
 Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.

Plaintiff

v.

Baldovinos, et al.

Defendant

Civil Action No. CV10-02507 LHK

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Carmel Ross, MFT, 20200 Redwood Road Suite 6, Castro Valley, CA 94546

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda K. aka Belinda [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County
1221 Oak Street, Suite 450
Oakland, CA 94612

Date and Time:

02/02/2011 9:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court – Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

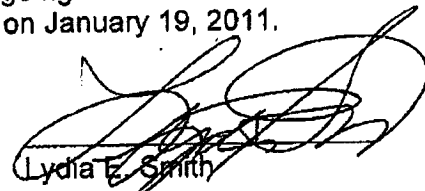
10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 Tel: 415-743-6900
 Fax: 415-743-6910

Plaintiff Belina K...

17 ☒ BY CERTIFIED MAIL: I am readily familiar with the Office of the County
 18 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 20 collection and mailing, it is deposited in the ordinary course of business with the
 United States Postal Service in the City of Oakland, California, in a sealed
 21 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 25 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda Kirk Respondent: County of Alameda	
NOTICE TO CONSUMER AND OBJECTION (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: [REDACTED], care of BELINDA K [REDACTED]

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

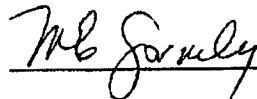
Dr. Adrienne Candell
Kaiser Permanente Psychiatry
3553 Whipple Rd Bldg B
Union City, CA 94587

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, you may serve the County of Alameda with a written objection. You must serve the objection within two weeks of receiving this notice. Alternatively, you may move the Court to modify or quash the Subpoena.

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11



Mary Ellyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.)	
<i>Plaintiff</i>)	
v.	)	Civil Action No. CV10-02507 LHK
Baldovinos, et al.)	
	)	(If the action is pending in another district, state where:
<i>Defendant</i>))

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Dr. Adrienne Candell, Kaiser Permanente Psychiatry, 3553 Whipple Rd Bldg B, Union City, CA 94587

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda K. aka [REDACTED], SSN [REDACTED], DOB [REDACTED] and [REDACTED] aka [REDACTED], SSN [REDACTED], DOB [REDACTED]

Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	Date and Time: 02/02/2011 9:00 am
--	--------------------------------------

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(I) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(II) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

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(i) expressly make the claim; and

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1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court – Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **NOTICE TO CONSUMER; and**

8 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**
 9 **OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

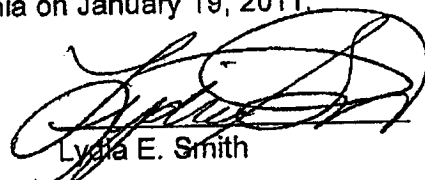
10 in the above-mentioned matter on the parties to this action by placing a true copy
 11 thereof in a sealed envelope, addressed as follows:

12 Aaron Cohn
 13 Matthew Vafidis
 14 HOLLAND & KNIGHT
 50 California Street
 Suite 2800
 San Francisco, CA 94111
 15 Tel: 415-743-6900
 16 Fax: 415-743-6910

Plaintiff Belina K.

17 ☒ BY CERTIFIED MAIL: I am readily familiar with the Office of the County
 18 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 20 collection and mailing, it is deposited in the ordinary course of business with the
 21 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

22 I declare under penalty of perjury that the foregoing is true and correct and that
 23 this declaration was executed at Oakland, California on January 19, 2011.

24 
 25 Lydia E. Smith

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327] Assistant County Counsel Office of the County Counsel, County of Alameda 1221 Oak Street, Suite 450, Oakland, CA 94612 (510) 272-6700 Mary.ellyn.gormley@acgov.org Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION) 280 South 1st Street San Jose, CA 95113	Case Number: CV10-02507 LHK
Petitioner: Belinda Kirk Respondent: County of Alameda	
NOTICE TO CONSUMER (45 C.F.R. § 164.512(e))	

NOTICE TO CONSUMER

TO: ~~XXXX, JJJJ~~

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 7, 2011
The records are described in the subpoena directed to

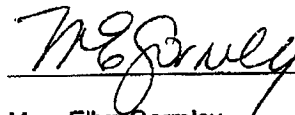
A Better Way, Inc.
3200 Adeline Street
Berkeley, CA 94703-2407.

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/21/11



Mary Elyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

J.H., et al.

Plaintiff

v.

Baldovinos, et al.

Defendant

Civil Action No. CV10-02507 LHK

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: A Better Way, Inc., 3200 Adeline Street, Berkeley, CA 94703-2407

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for J. [REDACTED] aka [REDACTED], SSN [REDACTED] DOB [REDACTED]

Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	Date and Time: 02/07/2011 9:00 am
--	--------------------------------------

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date:

1/21/11

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk



Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 **RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL.**
 2 **United States District Court – Northern District of California (San Jose Division)**
Case No. C 10-2507 LHK

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, over the age of 18 years and not a party to
 5 the within entitled action. I am employed at the Office of the County Counsel, County of
 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

6 On the below date, I served the attached:

7 **Notice to Consumer and**

8 **Subpoena to Produce Documents, Information, or Objects or to Permit**
 9 **Inspection of Premises in a Civil Action**

10 in the above-mentioned matter on the parties to this action by placing a true copy
 thereof in a sealed envelope, addressed as follows:

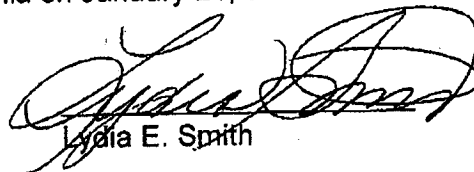
11
 12 Aaron Cohn
 Matthew Vafidis
 HOLLAND & KNIGHT
 13 50 California Street
 Suite 2800
 14 San Francisco, CA 94111
 Tel: 415-743-6900
 15 Fax: 415-743-6910

Plaintiff Belinda K. [REDACTED]

16
 17 ☒ **BY CERTIFIED MAIL:** I am readily familiar with the Office of the County
 18 Counsel, Alameda County's practice for collecting and processing
 19 correspondence for mailing. On the same day that correspondence is placed for
 20 collection and mailing, it is deposited in the ordinary course of business with the
 United States Postal Service in the City of Oakland, California, in a sealed
 envelope with postage fully prepaid.

21 ☐ **BY FACSIMILE:** I caused a copy (or copies) of such document(s) to be sent via
 22 facsimile transmission to the office(s) of the addressee(s).

23 I declare under penalty of perjury that the foregoing is true and correct and that
 24 this declaration was executed at Oakland, California on January 21, 2011.

25
 26 
 Lydia E. Smith